

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CYRSTAL L. LAKES, on behalf of	)	Case No.: 1:20 CV 1061
B.M.O.,	)	
	)	
Plaintiff	)	
	)	
v.	)	JUDGE SOLOMON OLIVER, JR.
	)	
COMMISSIONER OF SOCIAL	)	
SECURITY ADMINISTRATION,	)	
	)	
Defendant	)	<u>ORDER OF REMAND</u>

The Commissioner of Social Security Administration (“Commissioner”) denied disability benefits to Plaintiff Crystal L. Lakes’s minor son, B.M.O. (“Claimant”), in the above-captioned case. Plaintiff sought judicial review of the Commissioner’s decision, and this court referred the case to Magistrate Judge Carmen E. Henderson (“Magistrate Judge” or “Judge Henderson”) for preparation of a Report and Recommendation (the “R & R”). Both parties submitted briefs on the merits. (ECF Nos. 18, 20, 21.) Plaintiff requested an order vacating the Commissioner’s decision and remanding the case on the grounds that the Administrative Law Judge (“ALJ”) erred by not abiding by the treating physician rule when weighing the opinion of treating psychiatrist Jasdeep Sohi, M.D (“Dr. Sohi”). (Pl.’s Br., ECF No. 18.) The Commissioner sought final judgment upholding the decision below. (Def.’s Br., ECF No. 20.)

Judge Henderson submitted a R & R (ECF No. 22) on September 21, 2021, recommending that the court reverse the Commissioner’s decision and remand the case to the Commissioner and the ALJ under Sentence Four of § 405(g). The R & R explains that the ALJ erred by failing to give

Dr. Sohi's decision controlling weight. (R & R at PageID #1309, ECF No. 22.) In doing so, Judge Henderson emphasized the fact that "the ALJ did not even indirectly attack Dr. Sohi's opinion." (*Id.*) In fact, as the R & R points out, the ALJ determined that Dr. Sohi's opinions were "highly credible," "well-supported by the objective medical evidence," and "consistent with the record as a whole." (*Id.*) Ordinarily, the ALJ is required to give Dr. Sohi's opinion controlling weight. (*Id.* (citing SSR 96-2P, 1996 WL 374188, at \*1 (July 2, 1996))). Judge Henderson also found that the ALJ erred by failing to explain why Dr. Sohi's opinion was not given controlling weight. (R & R at PageID #1310, ECF No. 22.)

On September 14, 2021, the Commissioner filed a response (Response, ECF No. 15), indicating that it offered no objection to the R & R. (When no objection has been filed, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee's note; *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require the district court review of a magistrate[] [judge's] factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.")).

After careful review of Judge Henderson's R & R, and all other relevant documents in the record, the court finds no clear error. Accordingly, the court adopts as its own Judge Henderson's R & R (ECF No. 22) in its entirety and hereby vacates the Commissioner's final decision, and remands the case for further consideration consistent with the R & R under Sentence Four of § 405(g).

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE

September 30, 2021